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UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA - OAKLAND DIVISION

In re:

LORINDA YVONNE BUSE-CORRAL,
and
ARMANDO MARIO CORRAL, JR.,

Debtors.

Lorinda Yvonne Buse-Corral

and

Armando Mario Corral Jr.,

Plaintiffs

v.

Wells Fargo Bank, N.A.,

Defendant

Case No. 12-57594-SLJ-13

Adversary No.: _____

Chapter 13

**COMPLAINT TO AVOID TRANSFER
OF EXEMPT PROPERTY**

1. **Lorinda Yvonne Buse-Corral and Armando Mario Corral Jr.** (hereinafter "**Plaintiffs**"), are competent adults and the debtors in the case *In re Lorinda Yvonne Buse-Corral*, Case Number 12-57594-SLJ-13, currently pending in this court.
2. Defendant Wells Fargo Bank is a national banking association headquartered in Sioux Falls, South Dakota.
3. This court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. §§ 157, 1334 and 11 U.S.C. § 547. This is a core proceeding under 28 U.S.C. § 157(b)(2)(F).
4. Debtors filed for protection under Chapter 13 of the United States Bankruptcy Code on October 19, 2012.
5. On October 19, 2012, within 90 days before the filing of the involuntary petition

commencing this case, Defendant Wells Fargo Bank, N.A. set-off **\$960.38** from Plaintiffs' account ending in 4153. **Exhibit "A"**.

6. On the same day, October 19, 2012, Defendant Wells Fargo Bank, N.A. also set-off **\$3,229.51** from Plaintiffs' account ending in 8637. **Exhibit "B"**.

7. The total amount set-off is \$4,189.89.

8. The total set-off funds were applied to an antecedent debt owed by the **Plaintiffs**.

9. At the time of said set-off, **Plaintiffs** were insolvent.

10. The **Plaintiffs as Debtors** would have been able to claim the funds set off as exempt had the set-off not been made.

11. The Chapter 13 Trustee has not attempted to avoid the set-off, and has advised Plaintiffs' counsel that she does not intend to do so.

12. Debtors' Counsel has made numerous verbal and written requests for return of the preferential set-offs. All requests have been denied.

Therefore, **Plaintiffs** request judgment against Defendant Wells Fargo Bank, N.A. for **\$4,189.89**, plus costs, interest, attorney's fees, and such other relief as this Court may deem just.

Dated: December 19, 2012

LAW OFFICES OF GEOFF WIGGS

/s/ GEOFFREY E. WIGGS

Attorney for Debtors